



Patrick W. Turner  
General Attorney-South Carolina  
Legal Department

AT&T South Carolina  
1600 Williams Street  
Suite 5200  
Columbia, SC 29201

T: 803.401-2900  
F: 803.254.1731  
pt1285@att.com  
www.att.com

April 23, 2010

The Honorable Jocelyn Boyd  
Interim Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Re: In the Matter of Petition for Arbitration of Interconnection Agreement Between  
BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina and Sprint  
Spectrum L.P., Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners  
(collectively "Sprint CMRS")  
Docket No. 2010-\_\_\_\_-C

Dear Ms. Boyd:

BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina respectfully submits its Petition for Section 252(b) Arbitration for filing with the Public Service Commission of South Carolina. By copy of this letter, I am serving all parties of record with a copy of this pleading as indicated on the attached Certificate of Service.

Exhibit A to this Petition is the proposed interconnection agreement that reflects the parties' disagreements as they stand as of the date of this filing. Due to its volume, AT&T South Carolina is hand-delivering a CD containing Exhibit A to the Commission today for filing. AT&T South Carolina is also hand-delivering a copy of this CD to counsel for Sprint CMRS and to counsel for the Office of Regulatory Staff on or before the date of this filing.

Sincerely,

Patrick W. Turner

PWT/nml

Enclosures

cc: Nanette S. Edwards, Esquire

John J. Pringle, Jr.

804800

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

In the Matter of:	)	
Petition for Arbitration of Interconnection	)	
Agreement Between BellSouth	)	Docket No. 2010-____-C
Telecommunications, Inc. d/b/a AT&T	)	
South Carolina and Sprint Spectrum L.P.,	)	
Nextel South Corp. and NPCR, Inc. d/b/a	)	
Nextel Partners	)	

**PETITION OF BELL SOUTH TELECOMMUNICATIONS, INC.  
D/B/A AT&T SOUTH CAROLINA FOR SECTION 252(b) ARBITRATION**

Pursuant to Section 252(b) of the Telecommunications Act of 1996 ("1996 Act"), BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T South Carolina") files this Petition for Arbitration ("Petition") seeking resolution of certain issues arising between AT&T South Carolina and Sprint Spectrum L.P., Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners (collectively, "Sprint CMRS") in the negotiation of an Interconnection Agreement ("ICA"). AT&T South Carolina states as follows:

**A. STATEMENT OF FACTS**

1. AT&T South Carolina is a corporation organized and existing under the laws of the State of Georgia, maintaining its principal place of business in Georgia. AT&T South Carolina's main offices in the State of South Carolina are at 1600 Williams Street, Columbia, South Carolina. AT&T South Carolina is an incumbent local exchange carrier ("ILEC") as defined in 47 U.S.C. § 251(h) and is certified to provide telecommunications services in the State of South Carolina.

2. Sprint Spectrum L.P. (“Sprint PCS”) is a Delaware limited partnership and acts as agent and General Partner for WirelessCo, L.P., a Delaware limited partnership, and SprintCom, Inc., a Kansas corporation, and certain other entities.

3. Nextel South Corp. (“Nextel South”) is a Delaware corporation.

4. NPCR, Inc. d/b/a Nextel Partners (“Nextel Partners”) is a Delaware Corporation.

5. Sprint PCS, Nextel South and Nextel Partners are providers of commercial mobile radio service (“CMRS”) and are authorized to provide telecommunications service in South Carolina. Each is a “telecommunications carrier” under the 1996 Act with its principal place of business at 6200 Sprint Parkway, Overland Park, Kansas 66251.

6. AT&T South Carolina and Sprint PCS are currently parties to an ICA that was initially approved on July 9, 2002, by the Commission in Docket No. 2000-23-C, and, by mutual agreement, was amended from time to time. The amendments were filed with the Commission and approved either by the Commission or by operation of law pursuant to 47 U.S.C. §252(e)(4). That ICA was subsequently extended by Commission Order No. 2008-27 dated January 23, 2008, in Docket No. 2007-215-C, and its term expired on March 19, 2010. Pursuant to the terms of the ICA, however, the ICA remains in effect after its term expires (assuming no termination for breach of the ICA or otherwise) until a new ICA is negotiated and signed by the parties.

7. AT&T South Carolina and Nextel South are currently parties to an ICA that was adopted by Nextel South, pursuant to the Commission’s Order No. 2008-649 dated October 22, 2008, in Docket No. 2007-255-C. The ICA’s term expired on March

19, 2010. Pursuant to the terms of the ICA, however, the ICA remains in effect after its term expires (assuming no termination for breach of the ICA or otherwise) until a new ICA is negotiated and signed by the parties.

8. AT&T South Carolina and Nextel Partners are currently parties to an ICA that was adopted by Nextel Partners, pursuant to the Commission's Order No. 2008-649 dated October 22, 2008 in Docket No. 2007-256-C. The ICA's term expired on March 19, 2010. Pursuant to the terms of the ICA, however, the ICA remains in effect after its term expires (assuming no termination for breach of the ICA or otherwise) until a new ICA is negotiated and signed by the parties.

9. In anticipation of the expiration of the current ICA, and pursuant to the terms of that ICA, Sprint CMRS sent AT&T South Carolina a written request for negotiation of a new interconnection agreement, requesting that the current interconnection agreement between AT&T South Carolina and Sprint CMRS in South Carolina be used as the starting point for negotiations.

10. Thereafter, AT&T South Carolina provided a draft of the proposed successor interconnection agreement to Sprint CMRS, and the parties have negotiated the terms and conditions of the proposed agreement.

## **B. JURISDICTION AND TIMING**

11. Section 252(b)(1) of the 1996 Act allows either party to the negotiation to request arbitration during the period between the 135<sup>th</sup> day and the 160<sup>th</sup> day from the date the request for negotiation was received. By agreement of the parties, Sprint CMRS's request for negotiation was received November 15, 2009. Accordingly, the "arbitration window" closes on April 24, 2010, and this Petition is timely filed.

12. Section 252(b)(4)(C) of the 1996 Act requires the Commission to render a decision in this proceeding within nine months after the date upon which the request for interconnection negotiations was received. Accordingly, the 1996 Act requires the Commission to render a decision in this proceeding, absent an agreed extension, not later than August 15, 2010.

### C. ISSUES FOR ARBITRATION

13. Although the parties have engaged in negotiations, many open issues remain. AT&T South Carolina hopes the parties will be able to resolve additional disputed issues before the hearing in this Docket.

14. AT&T South Carolina submits herewith as **Exhibit A** a CD containing the proposed interconnection agreement that reflects the parties' disagreements as they stand as of the date of this filing.<sup>1</sup> Most of the language in Exhibit A is in normal font; the parties have agreed on that language. Language that AT&T South Carolina proposes and Sprint CMRS opposes is **bold and underlined**. Language that Sprint CMRS proposes and AT&T South Carolina opposes is in ***bold italics***.

15. Also submitted herewith, as **Exhibit B**, is an issues matrix or Decision Point List ("DPL") that identifies the issues set forth for arbitration. The DPL assigns an Issue Number<sup>2</sup> to each passage (or related passages) of disputed language, and, for each issue, identifies the issue presented and sets forth in short form AT&T South Carolina's

---

<sup>1</sup> AT&T South Carolina is hand-delivering a copy of this CD to the Commission, to counsel for Sprint CMRS, and to counsel for the Office of Regulatory Staff on or before the date of this filing.

<sup>2</sup> The parties are negotiating and/or arbitrating a successor interconnection agreement in several states, and many of the issues originally identified have been resolved. Those issues are reflected on the DPL as "resolved." In order to avoid the confusion that could result if remaining disputed issues are re-numbered as other issues are resolved, the parties have agreed to maintain the number originally assigned to unresolved issue throughout this proceeding.

position on the issue and Sprint CMRS's position as AT&T South Carolina understands it.

16. Pursuant to 47 U.S.C. § 252(b)(2)(B) and S.C. Code Ann. §58-4-10, AT&T South Carolina is providing a copy of this Petition and the accompanying documentation to Sprint CMRS and the Office of Regulatory Staff on or before the day on which this Petition is filed with the Commission.

WHEREFORE, AT&T South Carolina respectfully requests that the Commission arbitrate the open issues set forth in this Petition, and enter an Order directing that AT&T South Carolina's positions on the issues raised herein be incorporated into the Interconnection Agreement between Sprint CMRS and AT&T South Carolina. Further, AT&T South Carolina requests such other, more general or specific relief as is just and proper under the circumstances.

Respectfully submitted this 23<sup>rd</sup> day of April, 2010.



PATRICK W. TURNER  
General Counsel – AT&T South Carolina  
1600 Williams Street  
Suite 5200  
Columbia, SC 29201  
(803) 401-2900  
patrick.turner.1@att.com

COUNSEL FOR BELL SOUTH  
TELECOMMUNICATIONS, INC., D/B/A  
AT&T SOUTH CAROLINA

# **EXHIBIT A**

Exhibit A to this Petition is the proposed interconnection agreement that reflects the parties' disagreements as they stand as of the date of this filing. AT&T South Carolina hand-delivered a CD containing Exhibit A to the Commission on the day this Petition was filed, and AT&T South Carolina hand-delivered a copy of this CD to counsel for Sprint CMRS and to counsel for the Office of Regulatory Staff on or before the date this Petition was filed.



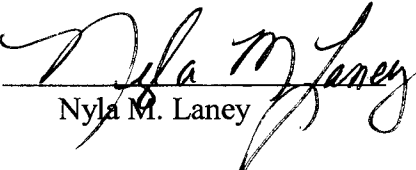


Nanette S. Edwards, Esquire  
Counsel  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
**(Electronic Mail - Cover Letter, Petition and Exhibit B  
to the Petition)**  
**(Hand Delivery – CD containing Exhibit A to Petition)**

F. David Butler, Esquire  
Senior Counsel  
S. C. Public Service Commission  
Post Office Box 11649  
Columbia, South Carolina 29211  
(PSC Staff)  
**(Electronic Mail - Cover Letter, Petition and Exhibit B  
to the Petition)**

Joseph Melchers  
Chief Counsel  
S.C. Public Service Commission  
Post Office Box 11649  
Columbia, South Carolina 29211  
(PSC Staff)  
**(Electronic Mail - Cover Letter, Petition and Exhibit B  
to the Petition)**

Jocelyn G. Boyd, Esquire  
Deputy Clerk  
S. C. Public Service Commission  
Post Office Box 11649  
Columbia, South Carolina 29211  
(PSC Staff)  
**(Electronic Mail - Cover Letter, Petition and Exhibit B  
to the Petition)**  
**(Hand Delivery – CD containing Exhibit A to Petition)**

  
Nyla M. Laney